

1 responsibilities did you have to do besides
2 that?

3 A. A lot of paperwork for myself. I was
4 constantly writing promotions, creating blitz's
5 and detailings and incentive programs. And
6 phone calling was Friday, letters sent out to
7 salons, et cetera.

8 Q. Okay. Do you recall in August of
9 2001 Artec's director of education, David Bakey,
10 informed Goldwell that Artec believed that you
11 had falsified documents?

12 A. Yes.

13 Q. And so in this first sentence of the
14 warning where it says, we have been speaking
15 with you recently with regards to the problem
16 with the paperwork that you're required to
17 complete, is that what, is that your
18 understanding of what that refers to?

19 A. Yes.

20 Q. To the best of your memory, what did
21 that issue entail as far as the allegation that
22 you had falsified documents? What happened?

23 A. In June David asked me to send him,
24 once again, all the paperwork, which I did. It

1 Q. And the next time any issue with that
2 Artec paperwork came up was October 22nd?

3 A. Yes.

4 MR. SIGEL: Excuse me.

5 (Mr. Sigel conferring with Mary
6 Garneau.)

7 Q. Isn't it true that Artec was
8 withholding all of the education credits for six
9 months because of its concerns about your
10 paperwork?

11 A. I was unaware of that.

12 Q. You were never informed of that?

13 A. No.

14 Q. Your work on Fridays, by the way, at
15 home included doing weekly paperwork for R.G.
16 Shakour and Artec, correct?

17 A. Yes.

18 Q. And monthly for R.G. Shakour and
19 Goldwell, correct?

20 A. Correct.

21 Q. Can I show you another document here

22 --

23 A. Sure.

24 Q. And ask you to take a look at that?

1 Q. Well, when you met on October 22nd,
2 wasn't this issue brought up at that time?

3 A. Yes.

4 Q. So you did discuss it again with the
5 company?

6 A. Right. With the whole company.

7 Q. Well, with --

8 A. After I was told it's done, it's
9 over, don't think another minute of it, therapy
10 comes up, October 22nd.

11 Q. This comes up again?

12 A. This comes up again.

13 Q. Well, back on October 3rd or the
14 beginning of October, do you recall having a
15 meeting or discussion with Ms. Garneau or any
16 other manager in which you were requested to
17 come to the office to do paperwork on Fridays?

18 A. I only remember speaking to Mary
19 Garneau in the very beginning about that since
20 no one else got back to me.

21 Q. Well, on or about October 3rd, do you
22 recall, or the beginning of October, Ms.
23 Holladay requesting that you work in Goldwell's
24 office on Friday, October 5th, so that Goldwell

1 could provide you with clerical assistance and
2 help you with your paperwork?

3 A. Yes.

4 Q. Okay. That was before you had
5 mentioned therapy, wasn't it?

6 A. October 5th?

7 Q. No. October 3rd.

8 A. Mary and I had spoken before October
9 3rd about therapy.

10 Q. When was that?

11 A. Sheryl left me a voice mail end of
12 September to come on down.

13 Q. Are you sure it was the end of
14 September?

15 A. It was a time where I had to have a
16 good week to cancel my doctor's appointment and
17 to change it, and that's why they didn't get
18 back to me so I was calling Mary to verify if
19 indeed I needed to come down there on the 5th
20 because they didn't get back to me.

21 Q. So you got a voice mail from Ms.
22 Holladay saying, we need you to come into the
23 office on Friday to help you with the paperwork?

24 A. I don't remember.

1 Q. When you came in on that day, what
2 did you do?

3 A. Mary and I met for about, oh, I would
4 say, 40 minutes, and she had a lot of problems
5 with the paperwork. So I went over it with her
6 on a continuous basis trying to help her.

7 Q. What kind of problems did she have
8 with the paperwork?

9 A. The reimbursements papers being
10 legible and --

11 Q. In other words, you say she had
12 problems. She was saying something you had
13 written was not legible?

14 A. No. It was quite complicated, the
15 reimbursement situation. 60,000 had gotten out
16 of hand, and we were trying to put some kind of
17 consistency in it, and Artec's records weren't
18 very good, and I needed to explain to Mary a
19 lot, many times trying to get her to understand
20 how it worked.

21 So I found myself many times going
22 over the paperwork with Mary, and that was one
23 of the times.

24 Q. Did Ms. Garneau assist you in any way

1 at that time with your paperwork?

2 A. I believe we went over it together.

3 I don't know what she would have assisted me in.

4 Q. She didn't help you correct anything?

5 A. Not that I can remember. I just
6 remember me helping her.

7 Q. What was the reimbursement situation?

8 A. Artec owed Goldwell a lot of money.

9 Q. What do you mean by reimbursements
10 though?

11 A. For the education.

12 Q. For Goldwell's services they hadn't
13 paid up on, you're saying there was an account
14 receivable of \$60,000 that they hadn't paid?

15 A. At one time it was.

16 Q. And you're not sure what it was at
17 this time in early October, what the balance of
18 that was?

19 A. I'm not sure.

20 Q. At that meeting with Ms. Garneau when
21 you were going over paperwork together, did you
22 inform her that you had an appointment with a
23 physician later that day with an acupuncture
24 treatment?

1 A. I thought I had canceled that
2 appointment for that day to my memory.

3 Q. You don't remember leaving early that
4 day so you could attend the appointment?

5 A. On the 5th? No.

6 Q. No?

7 A. To my recollection.

8 Q. You canceled it?

9 A. I canceled it.

10 Q. Okay. Do you remember that same day
11 on the 5th attending a meeting with Ms. Garneau,
12 Ms. Holladay and Mr. Foundas?

13 A. Yes.

14 Q. Tell me about that meeting, and if
15 it's one that you have referred to already, just
16 tell me, mention that?

17 A. They told me I needed a doctor's
18 note. They had no idea I was in therapy. I
19 needed a doctor's note to get back into work,
20 and I was sent home.

21 Q. Did they tell you that you could do
22 no work until the company got a doctor's note?

23 A. No work.

24 Q. At that meeting didn't Mr. Foundas

1 also explain to you why the company needed you
2 to work on Fridays?

3 A. For the paperwork, to do
4 administrative paperwork, yes.

5 Q. And isn't it true that they explained
6 to you that management needed to have more
7 involvement with the paperwork until Artec would
8 agree to accept computerized reports?

9 A. Yes.

10 Q. And at that time Mr. Foundas also
11 told you Artec wouldn't pay amounts it owed
12 Goldwell because of paperwork it had received
13 or, I'm sorry, it had not received from you?

14 A. As of October, everything was
15 received, and I corrected Mr. Foundas by saying
16 it had already been sent in and corrected.

17 Q. At that time, that's what you
18 corrected?

19 A. Yes.

20 Q. What did he say, if anything, in
21 response?

22 A. He hadn't been aware of it.

23 Q. Was Ms. Holladay there at the time
24 you said that to Mr. Foundas?

1 A. Yes.

2 Q. Did she say anything?

3 A. Not to my recollection.

4 Q. Did she know that you had sent it in?

5 A. No. I'm not sure.

6 Q. How about Ms. Garneau?

7 A. No. I don't think I told Mary at
8 all. Mary and I weren't really involved.

9 Q. So in any event, you told them, you
10 told Mr. Foundas specifically, I've done that
11 already?

12 A. Yes.

13 Q. Did you tell him you didn't think you
14 needed to come in on Fridays?

15 A. No. I did not tell him that.

16 Q. Did you tell him you didn't want to
17 come in on Fridays?

18 A. No.

19 Q. Did you tell him you preferred to
20 stay at home on Fridays?

21 A. No.

22 Q. Isn't it true that you were
23 instructed not to drive to Goldwell for your
24 scheduled meeting on October 8th until Goldwell

1 A. Necessary situations.

2 Q. That's what he said, right?

3 A. Right.

4 Q. Did you have an understanding of what
5 that meant?

6 A. For show day. Fridays I had to go
7 down to the show, like a show day, a special
8 meeting, but not on a regular basis. Shows were
9 once a year.

10 Q. That was your understanding of what
11 that meant?

12 A. That was my, well, that's my
13 understanding, yes.

14 Q. Now, you mentioned for your
15 recollection of this October 22nd meeting you
16 had in which you, the time you cried twice --

17 A. Right.

18 Q. At that time did Ms. Garneau explain
19 to you that the company needed more specific
20 information regarding your medical status?

21 A. Yes.

22 Q. And didn't she tell you that it was,
23 you know, the documentation that she had from
24 Dr. Slezak was internally inconsistent and not

1 sufficiently explicit?

2 A. She had told me it was unclear.

3 Q. Unclear. Did she tell you what she
4 thought was unclear about it?

5 A. No.

6 Q. And did you respond to that?

7 A. I told her to please call him. She
8 had my permission to call him to get verbal,
9 anything that she was not understanding, he
10 would verbally explain it to her.

11 Q. Did you try to explain it to her?

12 A. Did I try to explain what?

13 Q. Whatever she was saying was unclear.

14 A. I didn't understand what she said was
15 unclear and she did not explain it to me.

16 Q. So she didn't say, for example, well,
17 the doctor said long periods of time aggravated
18 your neck and back, but we don't know what long
19 periods of driving means?

20 A. Mary said it was unclear. I
21 responded, call my doctor and make it clear.

22 Q. Did you agree or disagree with her at
23 the time that the note or the documentation was
24 unclear?

1 of those?

2 A. Absolutely.

3 Q. Now, at this time you were told, two
4 days, two Fridays you were going to be coming to
5 Goldwell, even initially they said they wanted
6 you up there every Friday, right?

7 A. Can I make a correction?

8 Q. Sure.

9 A. I sent all my calendars down to
10 Goldwell when I packed everything.

11 Q. Okay.

12 A. All the paperwork and all my
13 calendars and everything was picked up by Mark
14 Fontaine. He signed a list. So I do not have
15 them in my possession.

16 Q. So we should have that?

17 A. Mary will have it.

18 Q. Gotcha you. In any event, initially
19 you were being required to come to Goldwell's
20 facility or you were told you would be required
21 to come to Goldwell's facility every Friday,
22 right?

23 A. Initially.

24 Q. And then after the doctor's notes

1 were given to the company, the company said,
2 well, we will only require you to come two
3 Fridays a month to Holliston, right?

4 A. Correct.

5 Q. Did you object to that?

6 A. They were taking me out of therapy.
7 I had to stay in therapy. Whether I was down in
8 the office or on the road, I would be out of the
9 therapy and driving.

10 Q. All right. But my question is: Did
11 you object to it?

12 A. Yes.

13 Q. What did you say?

14 A. I can resume my regular schedule of
15 being four days on the road and one day in my
16 office and to stay in my therapy sessions for 30
17 minutes once a week and that would keep me
18 functional. If I swayed from this, I would no
19 longer be functional.

20 Q. Did you say, you can't make me do
21 this?

22 A. No.

23 Q. Did you say, I won't do it?

24 A. No.

1 their way, get out, and I couldn't afford
2 leaving.

3 Q. Did anyone besides Ms. Shakour say
4 that to you?

5 A. Renee was the only one.

6 Q. I'm going back to the beginning of
7 October when you had your conversation with Ms.
8 Garneau and mentioned the therapy.

9 Isn't it true the company allowed you
10 to leave early, leave work early to attend your
11 treatment sessions whenever you requested?

12 A. Yes.

13 Q. Including on the Fridays that you
14 worked at Goldwell, right?

15 A. Yes.

16 Q. Did you provide the company with any
17 other documentation, any other medical
18 documentation from that, I'm sorry, after this
19 October 17th letter, but before your FMLA
20 medical documentation, if you recall?

21 MR. POWERS: Just for the record,
22 after the document which has been marked as
23 Exhibit 11?

24 MR. SIGEL: Yes.

1 Q. Did Dr. Slezak write that, can you
2 tell?

3 A. He filled out the form, so I'm
4 assuming --

5 Q. You're assuming it was him?

6 A. I'm assuming it was him.

7 Q. It wasn't you?

8 A. It wasn't me, that I know.

9 Q. Were you getting psychotherapy at
10 this time?

11 A. Yes.

12 Q. And what was the psychotherapy for?

13 A. Pain management.

14 Q. As a result of your car accident?

15 A. Yes.

16 Q. Were you in a car accident after that
17 1999 accident?

18 A. Yes.

19 Q. When?

20 A. December 15th, 10th, 15th of 2002.

21 Q. What happened, briefly?

22 A. I was in Colorado and we got smashed
23 into.

24 Q. Is that when you were skiing?

1 A. No.

2 Q. So you could have done, as far as you
3 understood, paperwork on the fifth day, you just
4 couldn't drive on a fifth day, right?

5 A. Right. Yes.

6 Q. So you could have still done your
7 Friday paperwork at home on that fifth day,
8 right?

9 A. Correct.

10 Q. So you weren't really restricted
11 performing any work on that fifth day, right?

12 A. Correct.

13 Q. And Goldwell requested a second
14 medical opinion?

15 A. Correct.

16 Q. Did the company tell you why?

17 A. No.

18 Q. Did you have an opinion as to why?

19 A. They weren't going to allow me to do
20 the FMLA leave unless their doctor said it was
21 valid.

22 Q. So they wanted to get another opinion
23 to determine whether Dr. Slezak's medical
24 certification was valid or not?

1 A. Correct.

2 Q. Do you think that was legitimate?

3 A. Yes.

4 Q. By the way, this medical
5 certification did not indicate that you would
6 need to take the leave on Fridays, right?

7 A. Correct.

8 Q. But Goldwell let you do that anyway,
9 didn't they?

10 A. Yes.

11 Q. And was it your understanding that
12 this fifth day, you would get the fifth day off,
13 that it would be unpaid?

14 A. Yes.

15 Q. And that's why you requested the
16 vacation pay those days, so you would get paid
17 for those days?

18 A. Yes.

19 Q. Isn't it true that you voluntarily
20 decided that you would work on Friday, the 14th
21 of December?

22 A. Yes.

23 Q. And on the two subsequent Fridays you
24 took vacation days, right?

1 A. You need to understand that I was on
2 a five day week. So I was on a five day week
3 Friday. I was not, I was not given FMLA leave
4 until the second opinion came in. So --

5 Q. That's what you said was your
6 understanding, right?

7 A. That was my understanding.

8 Q. Didn't Ms. Garneau sit down and
9 explain in detail that you would be, in
10 December, you could take those Fridays off, that
11 your FMLA was granted pending the outcome of the
12 medical certification issue?

13 A. Yes.

14 Q. And it was after you were told that
15 those Fridays would be unpaid that you decided
16 to work on Friday, the 14th, right, of December?

17 A. I'm not sure.

18 Q. Okay. Well, was it your
19 understanding -- I'm sorry. Go ahead.

20 A. My understanding was that I scheduled
21 months ahead of time, and it would have been the
22 person that I was riding with, I believe, was
23 Sara Matthews, and she needed me desperately to
24 work with her, and I agreed to since we had

1 Q. And what do you recognize that to be?

2 A. A note to Mary.

3 Q. Do you remember when you gave this to
4 Mary?

5 A. I don't remember what exact day, no.

6 Q. Was it in December?

7 A. It could very well have been.

8 Q. And this is when you informed her you
9 would work on Friday, December 14th, right?

10 A. Due to the fact that I didn't want to
11 cancel. She had set up many appointments.

12 Q. Who had set up many appointments?

13 A. The account executive that I would be
14 working with on December 14th.

15 Q. And you decided that you didn't want
16 to cancel those, right?

17 A. Correct.

18 Q. But you weren't required to work on
19 that Friday, right?

20 A. No.

21 Q. And on December 21st and 28th, you
22 weren't required to work those days either,
23 right?

24 A. Correct.

1 Q. Wasn't it your understanding that
2 those would be part of your reduced leave?

3 A. Correct.

4 Q. And so that you would be paid for
5 those days, you took two days from your vacation
6 bank, right?

7 A. It could very well have been.

8 Q. And your plan was, come the first of
9 the year, that's when you would begin your
10 reduced salary based on your four day work week,
11 right, and that's exactly what you were telling
12 Mary here?

13 A. Yes.

14 Q. And your testimony is that no one at
15 Goldwell ever raised any issues regarding your
16 performance during your employment, by issues, I
17 mean, problems?

18 A. Correct.

19 Q. And you didn't see this whole Artec
20 issue and the paperwork issue as being something
21 related to your job performance?

22 A. No.

23 Q. Why is that?

24 A. The conversation with -- I did